

Amendment and Response

Applicant: Petrica D. Balcan et al.

Serial No.: 10/676,583

Filed: October 1, 2003

Docket No.: 100111448-5

Title: SYSTEM AND METHOD FOR SERVICING NON-SCANNING PRINTHEAD**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed January 25, 2005, in which claims 34-36, 38-44, 46-53, 55-61, 63, and 64 were rejected, and claims 37, 45, 54, and 62 were objected to. With this amendment, claims 65-68 have been added and claims 37, 45, and 49 have been amended, including allowable claims 37 and 45 which have been rewritten in independent form.

Claims 34-68, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Objections

Claim 49 has been objected to because of informalities.

With this Amendment, a period "." has been added to the end of claim 49. Applicant, therefore, respectfully requests that the objection to claim 49 be withdrawn and that claim 49 be allowed.

Double Patenting

Claims 34, 38, 42, 51, and 59 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Balcan et al. U.S. Patent No. 6,659,586 in view of Anderson U.S. Patent No. 6,293,648.

Concurrently with this Amendment, a terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed to overcome the double patenting rejection. Applicant, therefore, respectfully requests that the rejection of claims 34, 38, 42, 51, and 59 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn and that claims 34, 38, 42, 51, and 59 be allowed. As dependent claims 52-58 further define independent claim 51, and dependent claims 60-64 further define independent claim 59, Applicant submits that these dependent claims are also in a condition for allowance.

Applicant submits that the filing of this terminal disclaimer is to obviate the double patenting rejection and is not an admission of the propriety of the rejection.

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Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 34-36, 40-44, 46, 52, 53, 56-58, 60, 61, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson U.S. Patent No. 6,293,648. Claims 38, 39, 47-50, 55, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 6,293,648. Applicant respectfully traverses these rejections.

Independent claim 34 includes, amongst other things, a first actuator adapted to move the non-scanning printhead and the servicing plate in a first direction. In addition, independent claim 42 includes, amongst other things, means for moving the non-scanning printhead and the servicing plate in a first direction.

The Anderson patent discloses a printhead assembly 26, a controller 34 which controls the movement of the printhead assembly 26, and a capping assembly 38 supported by a capping assembly support 90 (column 3, lines 57-62; column 4, lines 17-22; column 5, lines 2-10; Fig. 1). With the Anderson patent, the printhead assembly 26 is moved in the directions of arrow 36 and the capping assembly 38 is moved in the directions of arrow 40 beneath the printhead assembly 26 such that once the capping assembly 38 is positioned beneath the printhead assembly 26, the printhead assembly 26 is moved towards the capping assembly 38 (column 4, lines 27-38; Fig. 1). The controller 34 of the Anderson patent, however, does not move both the printhead assembly 26 and the capping assembly support 90 in the directions of arrow 36 (i.e., in a first direction). Rather, the controller 34 only moves the printhead assembly 26 in the directions of arrow 36. Accordingly, the Anderson patent does not teach or suggest a system as claimed in independent claim 34 nor a system as claimed in independent claim 42.

In view of the above, Applicant submits that independent claims 34 and 42 are each patentably distinct from the Anderson patent and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 35-41 further define patentably distinct claim 34 and dependent claims 43-50 further define patentably distinct claim 42, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 34-36, 40-44, 46, 52, 53, 56-58, 60, 61, and 64 under 35 U.S.C. 102(e) and the rejection of claims 38, 39, 47-50, 55, and 63 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 34-36, 38-44, and 46-50 be allowed.

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Allowable Subject Matter

Claims 37, 45, 54, and 62 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 37 in independent form to include all of the limitations of the base claim (claim 34) and any intervening claims (none). In addition, Applicant has added claims 65-66 to depend from rewritten independent 37. As rewritten claim 37 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 65-66 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 37 be withdrawn and that claims 37 and 65-66 be allowed.

With this Amendment, Applicant has rewritten allowable claim 45 in independent form to include all of the limitations of the base claim (claim 42) and any intervening claims (none). In addition, Applicant has added claims 67-68 to depend from rewritten independent 42. As rewritten claim 42 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 67-68 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 42 be withdrawn and that claims 42 and 67-68 be allowed.

With this Amendment, a terminal disclaimer has been filed to overcome the double patenting rejection of independent claims 51 and 59. Applicant, therefore, submits that independent claims 51 and 59 are in a condition for allowance. As dependent claim 54 further defines independent claim 51, and dependent claim 62 further defines independent claim 59, Applicant submits that these dependent claims are also in a condition for allowance.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 34-68 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (858) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

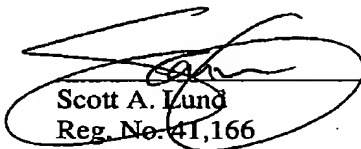
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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 25th day of April, 2005.


By _____
Name: Scott A. Lund